

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

U.S.A. vs. Michael Jerome Cherry, Jr.

Docket No. 7:02-CR-22-6F

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael Jerome Cherry, Jr, who, upon an earlier plea of guilty to 21 U.S.C. § 841, Distribution of 13.6 Grams of Cocaine Base (Crack), and Aiding and Abetting, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on March 4, 2003, to the custody of the Bureau of Prisons for a term of 130 months. On September 18, 2008, the term of imprisonment was reduced to 104 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months.

Michael Jerome Cherry, Jr was released from custody on October 6, 2010, at which time the term of supervised release commenced. On December 7, 2011, Cherry was reported to the court for using marijuana. Supervision was continued without modification.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 2, 2013, Cherry submitted to urine testing and the result was positive for cocaine. Cherry initially denied using cocaine, but laboratory analysis confirmed the result and he admitted using a small amount of cocaine with a girlfriend. Based on this violation, we are recommending Cherry serve 2 days in jail and the court impose the DROPS condition. This should adequately address the violation and deter any future drug use. Cherry has also been reinstated in regular drug testing and treatment.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
Phone: 910-815-4857
Executed On: October 24, 2013

ORDER OF COURT

Considered and ordered this 25th day of October, 2013, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge